

# Exhibit “LL” to Amended Verified Petition

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June 22, 2001

*Received  
6-26-01*

Werner & Saffiotti  
5031 Route 9W  
Newburgh, New York 12550

Attn: Joseph Saffiotti, Esq.

Re: Mehlon w/Town of Montgomery

Dear Joe:

After we discussed this matter over the telephone last week, I pulled my old file and enclose the following items which I thought you should see:

1. Planning Board letter dated July 17, 1989 to Robert DiNardo, Esq.
2. Planning Board letter dated July 27, 1989 to Robert DiNardo, Esq.
3. Former Building Inspector letter to Leon Mehl dated December 22, 1989 enclosing a Notice of Violation of the same date
4. Planning Board letter dated December 6, 1993 to DEC
5. DEC letter to L. Zeisel dated March 18, 1994

My files reflects that on August 16, 1994 Mr. Mehl's new attorney, Laura Zeisel, Esq. met with us informally at Town Hall but nothing concrete ever came out of that meeting.

It is noted that the 1989 Planning Board request regarding a revised Long EAF w/Appendices remains outstanding and, therefore, SEQRA remains open and the various time deadlines under Article 16 of the Town Law remain tolled.

I also note that the public hearing was held on June 16, 1989, almost 12 years ago. I suspect, but have not confirmed, that the Planning Board would not be

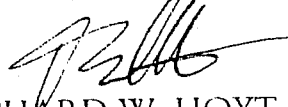
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*Copied 6/26/01 to Bd  
Rich. Ed. Mike Pl. Bd.*

comfortable proceeding without first having another public hearing. Also, the issue of Lead Agency needs to be clarified. As mentioned to you, the Planning Board has had a policy for the last 10 years or so regarding mines to have the DEC handle SEQRA and issue their ECL permit and then the Planning Board issue its own local approvals.

Let me know when you are ready to revive this longstanding, inactive file.

Very truly yours,



RICHARD W. HOYT

Attorney for Town of Montgomery

RWH:lv

Encls.

cc: Town of Montgomery Planning Board